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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kevin SCHMITT

Serial No.: 10/713,439

Group No.: 2871

Filing Date: 14 November 2003

Title: METHOD AND APPARATUS FOR
DETERMINING A COLOR AND
BRIGHTNESS OF AN LED IN A
PRINTED CIRCUIT BOARD

Customer No.: 42419

PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner to grant special status to the above referenced U.S. Patent Application for advancing examination pursuant to 37 CFR 1.102. Applicant petitions the Commissioner for special status as Applicant is aware of actual infringement of at least one originally filed claim of the referenced U.S. Patent Application.

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

18 OCT. 2004

18 OCT. 2004

Date

K. J. C. K.

Signature

Serial No.: 10/713,439

Applicant is aware of a device on the market that Applicant believes infringes at least one originally filed claim of the referenced U.S. Patent Application. Applicant performed a rigid comparison of the alleged infringing device with the as-filed claims of the referenced U.S. Patent Application and, in his opinion, at least one of the claims are unquestionably infringed.

Applicant asserts that he has performed, through his attorney, a search of the prior art, particularly class 356/416. Applicant has previously filed an Information Disclosure Statement and Form-1449. The references listed on Form-1449 are deemed most closely related to the claimed subject matter of the referenced U.S. Patent Application.

Schmitt, U.S. Patent 6,490,037 discloses a method and apparatus for verifying a color of an LED. Applicant's claimed method and apparatus is capable of not only verification but also determining the color and brightness of an LED and is patentable over the '037 Patent.

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Applicant has enclosed the fee required under 37 CFR 1.17(h) for this Petition to Make Special. If there is any deficiency or overage in the required fee for this Petition, please charge or credit Deposit Account No. 19-3550. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K D Erickson', written in a cursive style.

Kevin D. Erickson
Reg. No. 38,736

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